

PATENT
Customer No. 22,852
Attorney Docket No. 05552.1459-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Andreas M. ZEIHER et al.) Group Art Unit: 1641
Application No.: 10/534,985) Examiner: Lisa V. Cook
Int'l Filing Date: November 10, 2003)
§371(c) Date: October 23, 2006)
For: SCD40L AND PLACENTAL) Confirmation No.: 1864
GROWTH FACTOR (PLGF) USED)
AS A BIOCHEMICAL MARKER)
COMBINATION IN)
CARDIOVASCULAR DISEASES)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the listing submitted herewith. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign and non-patent literature documents are included with this submission. Copies of the U.S. patent publications are not enclosed pursuant to 37 C.F.R. § 1.98(a)(2)(ii).

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. See also M.P.E.P. § 2001.06(b). Accordingly, although Applicants are not representing that the Office Actions in the co-pending application, U.S. 11/666,164, are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive Office Actions in the co-pending application on the form submitted herewith. Copies are not provided of these Office Actions for the same reasons that copies of pending applications and information cited in a prior application are not required; that is, the requirement in 37 C.F.R. §1.98(a)(2)(iii) to provide a copy has been waived where the cited pending application is stored in the USPTO's IFW system. See *Waiver of the Copy Requirement in 37 CFR 1.98 for Cited Pending U.S. Patent Applications*, 1287 O.G. 163 (Oct. 19, 2004).

The following information is provided regarding the non-English language documents:

1. JP 2004-515201 T: This document is believed to be related to U.S. Patent Nos. 6,391,311 and 6,455,283, which is cited on the submitted listing. A copy of the original Japanese document is unavailable; therefore, bibliographic data and an English abstract from the European Patent Office is provided.
2. JP 2006-030183 A: This document is believed to be a counterpart of U.S. Publication No. 2006/008829 A1, which is cited on the submitted listing. A copy of the original language text is also submitted herewith.
3. WO 2004/046722: This document is believed to be a counterpart of U.S. 2007/0042438 A1, which is cited on the submitted listing. A copy of the original language text is also submitted herewith.
4. GOETHE-UNIVERSITY FRANKFURT AM MAIN "Neuartige Dianose von Gefäßkrankheiten soll Chancen nach Herzinfarkt verbessern: Dade Behring, Universität Frankfurt und Innovectis unterzeichen exklusives Lizenzabkommen" ("Novel diagnosis of vascular disease after heart attack is to improve opportunities: Dade Behring, University of Frankfurt and Innovectis to sign exclusive licensing agreement") Press Release, June 6, 2005. An English translation is provided with the original German text of this document.
5. WEBER et al. "Prognostische Bedeutung des löslichen PIGF Rezeptors sFlt-1 bei Patienten mit akuten Koronarsyndromen" ("Prognostic Significance of the Soluble PIGF Receptor sFlt-1 in Patients with Acute Coronary Syndrome") *Clin. Res. Cardiol.*

96(Suppl. 1):Abstract V1913 (2007). An English translation is provided with the original German text of this document.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the submitted form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

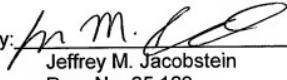
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any additional fee due in connection with the filing of this Statement, please charge the fee to Deposit Account 06-0916.

Respectfully submitted,

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Dated: August 18, 2011

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